

THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:	§	
	§	
FRANK TITUS AVIGNONE	§	CASE NO. 14-41587-R
XXX-XX-9679	§	
3504 FLINTSTONE DRIVE	§	CHAPTER 13
PLANO, TX 75074	§	
	§	
SARAH SIEG AVIGNONE	§	
XXX-XX-4933	§	
	§	
DEBTORS	§	

TRUSTEE'S REPORT FOR CONFIRMATION AND WITNESS AND EXHIBIT LIST

**TRUSTEE'S REPORT FOR CONFIRMATION**

Attorney for Debtors: PREVOST & SHAFF

Trustee: JANNA L. COUNTRYMAN

Plan filed on: August 8, 2014

I. Budget Information

A. Monthly income:

Debtor	\$	12,057.90
Joint Debtor	\$	0.00
Other	\$	0.00
Total	\$	12,057.90
Expenses	\$	10,589.50
Difference	\$	1,468.40

B. Monthly plan payments \*

\$1,325.00	for 60 months =	\$	79,500.00
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II. Analysis of Plan

A. Monthly plan payment	*
B. Plan duration in months	60
C. Total to be paid into plan	\$ 79,500.00
D. Administrative allowance (10% of total to be paid into plan)	\$ 7,950.00
E. Net available to creditors	\$ 71,550.00

The Plan proposes the following treatment of the listed claims:

<b>Creditor</b>	<b>Proposed Principal Amount</b>	<b>Rate</b>	<b>Term</b>	<b>Monthly Payment</b>	<b>Total</b>
<u><b>PRIORITY AND SPECIALLY CLASSIFIED UNSECURED CLAIMS:</b></u>					
PREVOST & SHAFF DEBTOR ATTORNEY	\$ 2,581.00	0.00	FIRST FUNDS	\$ 0.00	\$ 2,581.00
DEPARTMENT OF TREASURY TAXES	5,708.16	0.00		\$0.00	5,708.16
TOTAL PAID TO PRIORITY AND SPECIALLY CLASSIFIED UNSECURED CLAIMS					\$8,289.16
<u><b>SECURED CLAIMS:</b></u>					
WELLS FARGO AUTO 2007 GMC YUKON XL	10,850.00	8.00	1-42	pro rata	12,475.69
GREEN PLANET SERVICING HOMESTEAD ARREARS	32,347.43	0.00	1-42	pro rata	32,347.43
GREEN PLANET SERVICING HOMESTEAD (Debtor is disbursing agent)	0.00	0.00		\$0.00	0.00
US DEPARTMENT OF EDUCATION STUDENT LOAN (Debtor is disbursing agent)	0.00	0.00		\$0.00	0.00
US DEPARTMENT OF EDUCATION STUDENT LOAN (Debtor is disbursing agent)	0.00	0.00		\$0.00	0.00
TOTAL PAID TO SECURED CLAIMS					\$44,823.12
TOTAL PAID TO PRIORITY, SPECIALLY CLASSIFIED UNSECURED AND SECURED CLAIMS					\$53,112.28
AMOUNT AVAILABLE TO UNSECURED CLAIMS					\$18,437.72
PROJECTED DISPOSABLE INCOME AMOUNT UNDER 11 USC §1325(b)					\$41,749.20

The Trustee objects to confirmation on the following grounds:

- It does not appear that the Debtors have dedicated all projected disposable income to the proposed plan as required by 11 USC §1325(b)(1)(B).
- The plan has not been proposed in good faith. The plan proposes to pay for the following luxury item: home
- The plan has not been proposed in good faith. Student loans are being paid directly, but the plan does not pay 100% of all claims.
- The Debtors have failed to amend Schedule J to reflect orthodontist payment.
- The Debtors have failed to amend the Chapter 13 plan to reflect Domestic Support Obligation.
- The Debtors have failed to amend Schedule E to reflect Domestic Support Obligation.
- The Debtors have not tendered to the Chapter 13 Trustee the following documents:
  - Name, address, and phone number for Domestic Support Obligation claimant.
  - Current declaration regarding status of post-petition obligations. (TXEB Local Form 3015-c)
  - Update regarding bonus income for new job.
- The Debtors have not obtained court approval to hire an attorney for pending claim against former employer and approval of any settlement.

#### **WITNESS AND EXHIBIT LIST**

The Trustee reserves the right to call as a witness any or all of the following listed persons in relation to confirmation:

1. Janna L. Countryman
2. Shelly Terrill
3. Debtors
4. Any witness designated by other party

The Trustee reserves the right to introduce into evidence any or all of the following:

1. Copy of the Trustee's Confirmation Report, Witness and Exhibit List
2. Copies of any schedules or pleadings as filed herein by the Debtors or any other party
3. Copies of any Proof of Claim as filed herein by any creditor or other party
4. Copies of any Chapter 13 Plan and amendments thereof filed herein by the Debtors
5. Copy of the latest computer printout from the Trustee's office representing the Chapter 13 Plan payments received by the Trustee from the Debtors
6. If the Debtors are self-employed, the Debtors' monthly operating reports or profit and loss statements provided to the Trustee
7. Copies of the Debtors' prior years' tax returns as provided to the Trustee
8. Copy of Required Amendments sheet from the §341 Meeting of Creditors
9. Copy of any other document produced by the Debtors at the §341 Meeting of Creditors, or subsequently produced by the Debtors to the Trustee
10. Copy of the current issue of the Dallas/Fort Worth Metroplex Apartment Guide and/or copies of current reports from [www.apartmentratings.com](http://www.apartmentratings.com)
11. Reports from news media sources for the DFW Metroplex
12. Copies of any other exhibits designated by any other party

Copies of these exhibits will be provided by the Trustee upon request by any party.

Respectfully submitted,

/s/ Shelly Terrill

Janna L. Countryman, TBN 04888050

Shelly Terrill, TBN 00794788

Office of the Standing Chapter 13 Trustee

500 North Central Expressway, Suite 350

Plano, Texas 75074

(972) 943-2580 / Fax (972) 943-8050

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Trustee's Report for Confirmation and Witness and Exhibit List has been served upon the following parties in interest on the date set forth below by either electronic service or mailing a copy of same to them via first class mail.

FRANK TITUS AVIGNONE  
SARAH SIEG AVIGNONE  
3504 FLINTSTONE DRIVE  
PLANO, TX 75074

PREVOST & SHAFF  
1518 LEGACY DRIVE, SUITE 260  
FRISCO, TX 75034-6038

PRUYN LAW FIRM, PLLC  
2311 CANAL STREET, SUITE 124  
HOUSTON, TX 77003

Dated: October 10, 2014

/s/ Shelly Terrill  
Office of the Standing Chapter 13 Trustee